



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZST14-00004  
**Application Type:** Special Permit and Detailed Site Development Plan  
**CPC Hearing Date:** March 13, 2014  
**Staff Planner:** Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

**Location:** South of Stan Roberts Sr. Avenue and West of McCombs Drive  
**Legal Description:** Parcel A: A portion of Tract 4A, Section 11, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, Parcel B: A portion of Tract 1, Section 12, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel C: A portion of Tract 1, Section 12, Block 81, Township 1, Texas and Pacific Railway Company Surveys and Tract 4A, Section 11, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

**Acreage:** 100 acres  
**Rep District:** 4  
**Zoning:** M-2/c (Manufacturing) and R-F (Ranch and Farm)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** C (Conditions), Rezoning Ordinance No. 014490 (see attachment 5, pg. 8-9)  
**Request:** Special Permit to allow for a Major Utility Facility  
**Proposed Use:** Solar Major Utility Facility

**Property Owner:** City of El Paso/EPWU/PSB  
**Applicant:** Newman Solar LLC  
**Representative:** Sarah Davis (juwi)

### **SURROUNDING ZONING AND LAND USE**

**North:** M-1 (Manufacturing) / El Paso Electric Substation  
**South:** M-2/c (Manufacturing/conditions)/Vacant/G-MU (General Mixed Use)/Vacant  
**East:** R-F/ (Ranch and Farm) Vacant  
**West:** R-F (Vacant)

**PLAN EL PASO DESIGNATION:** O-5, **Remote** (Northeast Planning Area)

**NEAREST PARK:** Northeast Regional Park (24,188 feet)

**NEAREST SCHOOL:** Richardson Middle School (23,302 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 500 feet of the subject property on February 25, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

### **APPLICATION DESCRIPTION**

This is a special permit and detailed site development plan review request to allow for a Solar Major Utility Facility in M-2/c (Manufacturing/conditions) and R-F (Ranch and Farm) zone districts. A Major Utility Facility is a permitted use in all zoning districts with the review and approval of a Special Permit as required

by City code Section 20.04.260. The site plan shows two solar panel array fields including power stations, and storage shed on parcel A, 60.9 acres in size and Parcel B, 39.0 acres in size. There are two conditions on the subject property imposed by rezoning Ordinance 014490 dated May 30, 2000 (see attachment 5, pg. 8-9); however, the conditions have no impact on the proposed Solar Major Utility Facility. The conditions on the property prohibit refuse collection facilities and gas and oil drilling (see attachment 5, pg. 8-9). Access is proposed from Stan Roberts Sr. Avenue via an access agreement with EPWU/PSB, Parcel C, 3.931 acres in size.

### **ANALYSIS**

Major Utility Facilities are permitted in all zone districts with an approved Special Permit or a Master Zoning Plan in Mixed Use Districts:

#### **20.04.260 Special permits generally**

A. The City Council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.

### **CITY DEVELOPMENT PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit and detailed site development plan review request, as it complies with the requirements of Sections 20.04.320 special permit and 20.04.150 detailed site development plan.

### **Plan El Paso-Future Land Use Map Designation**

All applications for special permit shall demonstrate compliance with the following criteria:

O5 – Remote: Remote land in the desert and mountains. Except where vested rights are in place, City regulations and policy decisions should not encourage urban development during this planning period, which extends until 2030. It is not known at this time whether O-5 land will be needed for development further in the future.

The purpose of the M-2 (Manufacturing) district is to provide for the most intensive of industrial uses which may be characteristic of nuisance or hazardous conditions. It is intended that the districts will serve the entire city. The regulations of the districts will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

The purpose of the R-F (Ranch and Farm) district is to provide for primarily fallow or agricultural areas within the city and to protect and conserve these areas within and adjacent to urban development. It is intended that this district afford areas where semi-rural (very-low density) residential and agricultural uses can be maintained without impairment from higher density residential, commercial or industrial development. The regulations of this district are designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities that would adversely affect the urban-rural characteristics of this district.

### **COMMENTS:**

#### **Planning Division - Transportation**

No objections to Special Permit.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction

**City Development Department – Plan Review**

Recommend approval

**City Development Department - Landscaping Division**

No comments received

**City Development Department - Land Development**

Land Development has no objections.

**Fire Department**

No objections to this case

**Sun Metro**

Sun Metro does not oppose this request.

**El Paso Water Utilities**

EPWU does not object to this request.

**EPWU-PSB Comments**

**Water:**

1. There is an existing 16-inch diameter reclaimed water main located approximately 20 feet east of Parcel B's western property line. This main is available for service.
2. EPWU-PSB records indicate one active and two vacant reclaimed water meter services. The service address for these meters are 5100, 5150 & 5500 Stan Roberts Sr. Dr.

**Sewer:**

1. There is no existing sanitary sewer service in the area.

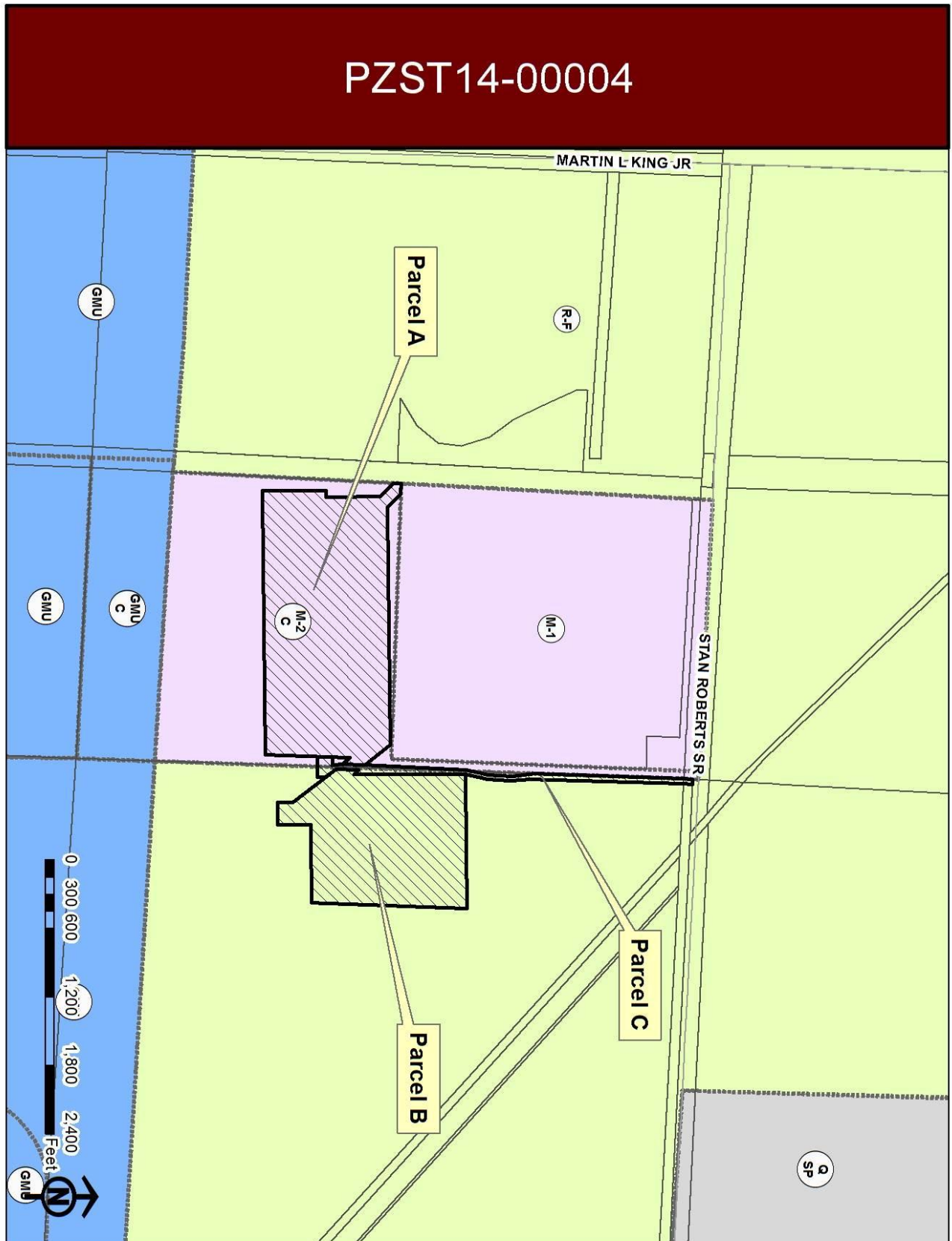
**General**

1. During the improvement work of the site, the Owner/Developer shall safeguard all existing water mains, sanitary sewer mains, and appurtenant structures. If the PSB facilities are damaged during the subdivision improvement work, the Owner/Developer is responsible for the repair costs.
2. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Attachments**

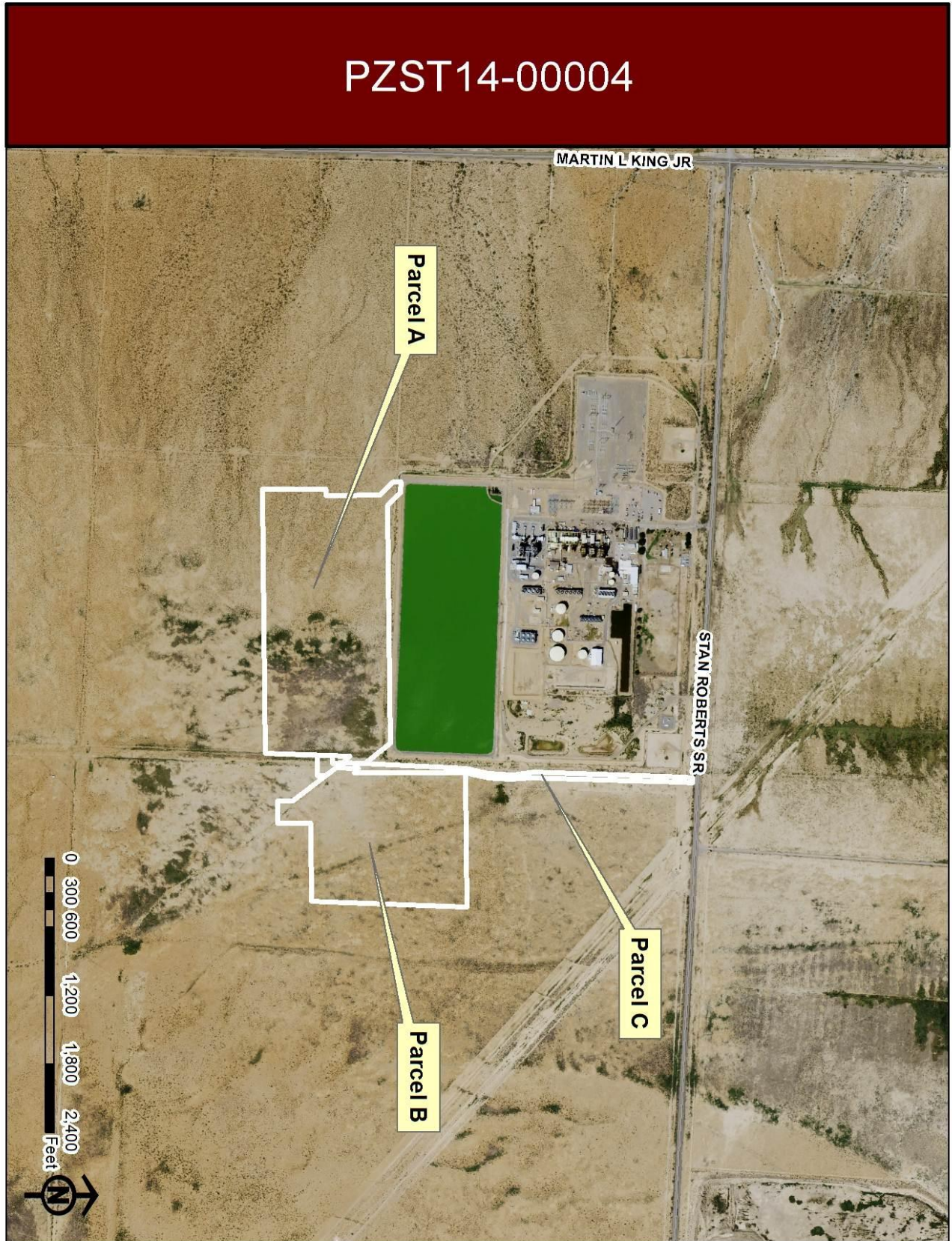
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Rezoning Condition Ordinance No. 014490

ATTACHMENT 1: ZONING MAP



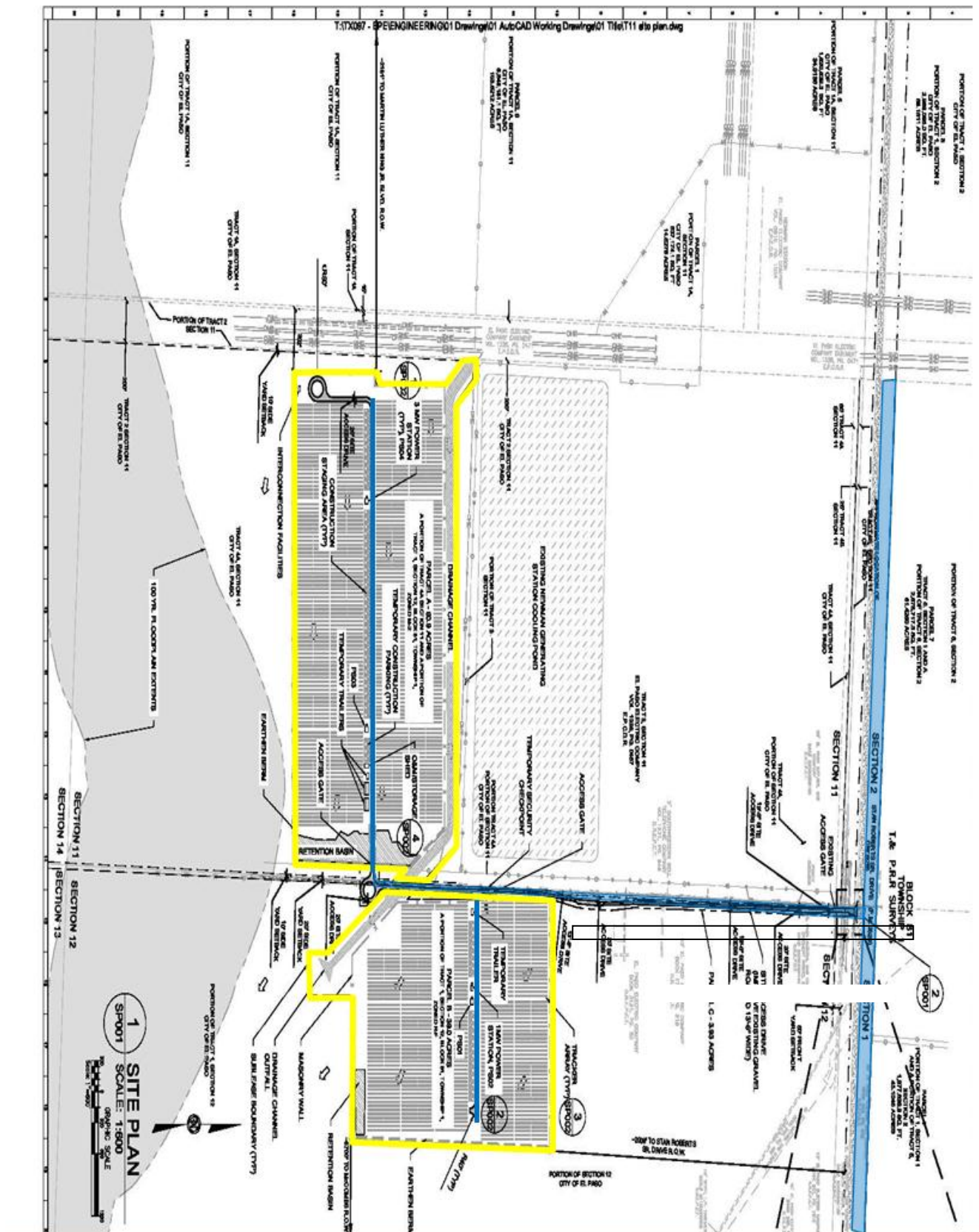


ATTACHMENT 2: AERIAL MAP

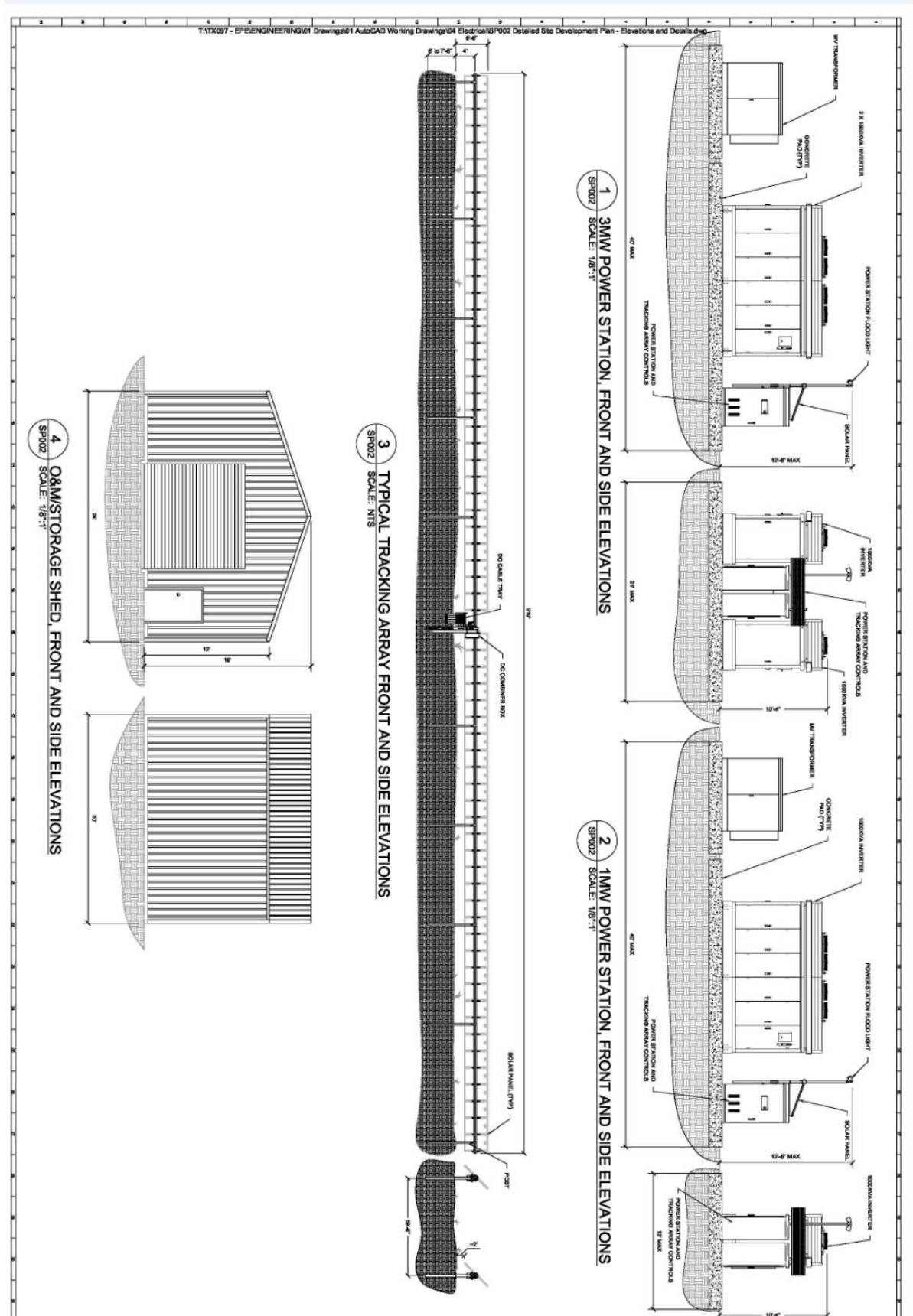




## ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



# ATTACHMENT 4: Elevations



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ORDINANCE NO. 014490

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4-A, SECTION 11, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (4900 BLOCK OF STAN ROBERTS SR. AVENUE) FROM R-F (RANCH-FARM) TO M-2/C (HEAVY MANUFACTURING/CONDITIONS) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of a *portion of Tract 4-A, Section 11, Block 81, Township 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas*, more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-F (Ranch-Farm) to M-2/c (Heavy Manufacturing/conditions)** within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-F (Ranch-Farm) to M-2/c (Heavy Manufacturing/conditions)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. Refuse collection sites shall not be permitted.
2. Drilling of oil or gas wells or other similar types of shaft mining shall not be permitted.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend

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ORDINANCE NO. 014490

5/30/00

Zoning Case No. ZC-00017

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ATTACHMENT 5: Rezoning Condition Ordinance No. 014490

or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

**PASSED AND APPROVED** this 30<sup>th</sup> day of May, 2000.

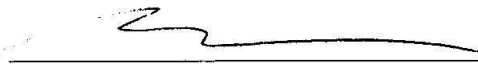
**THE CITY OF EL PASO**

  
Carlos M. Ramirez, P.E.  
Mayor

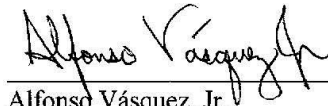
**ATTEST:**

  
Carole Hunter  
City Clerk

**APPROVED AS TO FORM:**

  
Guadalupe Cuellar  
Assistant City Attorney

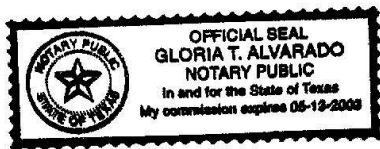
**APPROVED AS TO CONTENT:**

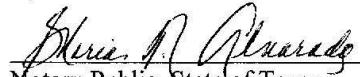
  
Alfonso Vásquez, Jr.  
Dept. of Planning, Research & Development

**Acknowledgment**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this 31<sup>st</sup> day of May, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of **THE CITY OF EL PASO**.



  
Notary Public, State of Texas  
Notary's Printed or Typed Name: Gloria T. Alvarado  
My Commission Expires: May 13, 2003

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**ORDINANCE NO.** 014490

5/30/00

**Zoning Case No. ZC-00017**

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